

United States District Court

District of Massachusetts

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The following transaction was received from Lindsay, Reginald entered on 11/20/2006 at 12:41 PM EST and filed on 11/20/2006

Case Name: USA v. Bucci et al

Case Number: 1:04-cr-10194

Filer:

Document Number:

Docket Text:

Judge Reginald C. Lindsay : ORDER entered granting [349] Motion for Clarification as to Anthony Bucci. The government has asked that the court clarify certain references the court made to a web page maintained by the defendant in Bucci. It appears that the web page in question no longer exists. However, shortly after Mr. Bucci's conviction, someone posted on a personal web page in Myspace.com certain information concerning the trial and events leading to the trial. Notwithstanding Mr. Bucci's denial that he posted the information, the court is persuaded that he did do so or that he caused the posting to be made. The posting indicated, among other things, that the proceeds from the refinancing of Mr. Bucci's home had been used to pay his legal fees. Mr. Bucci had represented to the court, through his counsel, that if the court would permit a subordination of the government's lien on the home, Mr. Bucci would use the proceeds from the refinancing to support himself and his family. Based on this representation, the court granted the relief Mr. Bucci requested. When the court discovered the web page, the court felt that it had been deceived by Mr. Bucci with respect to the purposes for which his home would be refinanced. The court imposed on Mr. Bucci a sentence at the low end of the Guidelines. That sentence, in the court's view was a reasonable one. In explaining why the sentence was reasonable, however, the court referred to several instances of deception by Mr. Bucci, including the one mentioned here, a previous misrepresentation to a judge of this court concerning the extent of his substance-abuse problems and attempts at deception of one of his co-conspirators in this case. The court might add that this case itself arises out of an attempted deception of Mr. Ruiz as to the purpose of the transaction in the Malden Medical Center parking lot on December 24, 2003. The court's comment on deception was in the nature of a comment on a characteristic of this defendant. To that extent, the information on the web page was useful in explaining the reasonableness of the Guidelines sentence. Primarily, however, that sentence was driven by the nature of the offense (a large drug transaction overlaid with an armed robbery during the daylight hours of the hospital parking lot). In short, the court deems the Guidelines sentence to be reasonable in and of itself; the reference to the deception was meant to be merely confirmatory of that reasonableness. (Lindsay, Reginald)

The following document(s) are associated with this transaction:

1:04-cr-10194-1 Notice will be electronically mailed to:

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